

REMARKS

Claims 73-88 have been amended. Claims 1-88 remain pending in the present application.

Section 121 Restriction:

The Examiner indicates that restriction is required between Inventions I and II as listed on page 2 of the Office Action. In response to the restriction requirement, Applicants elect Invention I (claims 1-35, 51-61 and 73-88) **with traverse**. Applicants traverse the restriction requirement for the following reasons.

The Examiner contends that Inventions I and II “are related as subcombinations disclosed as usable together in a single combination.” However, Inventions I and II are *not disclosed as subcombinations usable together in a single combination*. For example, embodiments of the method of claim 18 (Invention I) can be carried out on embodiments of the system of claim 36 (Invention II). Embodiments of claims 18 and 36 are clearly not described in Applicants’ disclosure as separate subcombinations usable together in a single combination. Similarly, claim 51 (Invention I) and claim 36 (Invention II) both recite similar systems, not separate subcombinations usable together in a single combination. As described in Applicants’ disclosure, the adapter recited in claims 36 and 62 is one example of the various means recited in claim 51. Claim 51 and claims 36/62 clearly cannot be characterized as being restricted to separate subcombinations. Although claims 1, 18, 51 and 73 may certainly vary in scope from claims 36 and 62, the Examiner has clearly mischaracterized Applicants’ claims as requiring separate subcombinations usable together in a single combination. Thus, the restriction requirement is improper. A difference in terminology or scope between claims does not mean that the claims are limited to separate subcombinations.

Furthermore, Applicants note that the Examiner has not applied the correct standard for distinctness. The Examiner stated that “[t]he subcombinations are distinct

from each other if they are shown to be separately usable.” This is not the correct standard for distinctness. According to M.P.E.P. 806.05(d), to state a proper restriction requirement for subcombinations usable together in a single combination, “[t]he Examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination.” Since the Examiner did not apply the correct standard for distinctness, the restriction requirement is improper.

Moreover, M.P.E.P. 806.05(d) states that “[t]he burden is on the Examiner to provide an example” of a utility for one of the subcombinations other than in the disclosed combination. The example given by the Examiner is that invention II has separate utility of “interfacing to external systems containing different type [sic] of database objects.” However, all of the independent claims read on embodiments as described in Applicants’ disclosure that may interface to external systems which may contain different types of objects. The Examiner clearly has not shown a separate utility, let alone a utility for one of the subcombinations other than in the disclosed combination. Applicants are not asserting that the claims cannot read on various embodiments having different utilities, however; the burden is on the Examiner to show a proper example for the correct standard of distinctness. M.P.E.P. 806.05(d). Since the Examiner has clearly not met this burden, the restriction requirement is improper.

Since the Examiner has failed to state a proper restriction requirement for the multiple reasons noted above, Applicants respectfully request the removal of the restriction requirement and request examination of all pending claims 1-88.

CONCLUSION

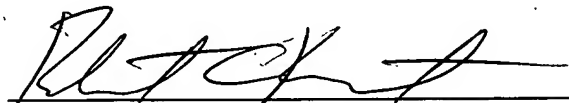
Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-92801/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: July 13, 2005